

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By this amendment, claims 1-3, 5, 7, and 9 are amended, claims 4, 6, and 8 are canceled, and claims 10-18 are added. The specification is amended to correct the informality listed in item 1 of this paper in order to overcome the objection to the specification. No new matter is added by this amendment to the specification.

Claims 2, 3, 5, 7, and 9 are amended to replace "characterized in that" with "wherein" for better form. Claim 1 is amended to delete "characterized in that" for better form. These amendments to claims 2, 3, 5, 7, and 9 are not done to further distinguish over the prior art.

Claim 1 is amended to include all of the features of claims 4, 6, and 8. Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hohne et al. in view of Burdock. This rejection is respectfully traversed.

The M.P.E.P. sets forth the criteria for a rejection for obviousness under 35 U.S.C. §103 as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, M.P.E.P. § 706.02(j) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The combination of Hohne et al. and Burdock does not teach or suggest all of the limitations of claim 1. In particular, neither Hohne et al. nor Burdock either alone or in combination discloses or suggests a plaque piece that fastens a central section of a covering cap and prevents the central section from moving freely when the covering cap opens. By contrast, Hohne et al. shows an ornamental cap 29 that has a circumferential groove 30 in which the inner edge connection area 31 of the second wall area 33 of a hub cover 32 is snapped or clamped therein. Upon activation of the airbag 28, 39, the inner edge connection area 31 moves away from the groove 30 so that an annular gap is formed as indicated by the broken lines of Fig. 4. Burdock simply shows a one-piece cover 150. Therefore, claim 1 is allowable for this reason:

Further, there is no motivation in Hohne et al. or Burdock, or in the knowledge of one of ordinary skill in the art to combine the reference teachings of Hohne et al. and Burdock as proposed in the rejection of claim 1. There is no evidence in the record or in the references themselves to include the tear line of the cover 150 of Burdock in the central section of cover 32 of Hohne et al. The Office Action merely states that it would be obvious to incorporate the teaching of Burdock into Hohne et al. in order to facilitate opening and prevent fragmentation. However, this reason is merely speculative.

In fact, Hohne et al. actually teaches away from including a tear line in the central section of the cover 32. In particular, Hohne et al. mentions several problems

of using tear or yield lines. For example, at column 2, lines 13-30, Hohne et al. states the following:

"However, a problem arises with such high-quality materials, in that in this instance predetermined opening lines or predetermined yield points are undesirably visible from outside, that is, from the visible side. This leads to an impression altogether of lower quality and so lowers the overall optical impression, especially in the case of high-quality vehicle interior accoutrements. In addition, the cover is possibly also damaged as a result. Consequently, a design such as this of a passenger protection device on a steering wheel with such predetermined opening lines is scarcely workable when use is made of the materials in question for hub and steering wheel covers and so the potential for their use can only be restricted.

In addition, such production of predetermined opening lines by means of individual predetermined yield points also entails considerable cost for production engineering, so that production is also relatively expensive in the aggregate."

At Col. 3, lines 26-29, Hohne et al. mentions the advantages of not having predetermined opening or yield lines in Hohne's et al. design as follows:

"In addition, no predetermined opening lines or predetermined yield points need be produced with such a design, so that the production cost is reduced and accordingly simple and low-cost production is on the whole possible."

Thus, one of ordinary skilled in the art would be led away by Hohne et al. from modifying the cover of Hohne et al. to include a tear seam. Thus, claim 1 is allowable for this additional reason. Claims 2, 3, 5, 7, and 9, which depend from claim 1, are allowable as depending from an allowable claim and also for the specific limitations recited therein.

New claim 10, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the tear line is defined by a rear groove. Neither Hohne et al. nor Burdock either alone or in combination discloses or suggests this feature. Therefore, claim 10 is allowable.

New claim 11, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the central section has an inner edge positioned adjacent the plaque piece and that the inner edge is prevented from moving freely away from the plaque piece when the covering cap opens. Neither Hohne et al. nor Burdock either alone or in combination discloses or suggests this feature. Therefore, claim 11 is allowable.

New claim 12, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that at least a portion of the central section is located radially outward in a lateral direction from the plaque piece. Neither Hohne et al. nor Burdock either alone or in combination discloses or suggests this feature. Therefore, claim 12 is allowable.

New claim 13, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the sections and the central section are formed of one piece before the covering cap opens. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 13 is allowable.

New claim 14, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the central section is permanently fastened to the plaque piece by a snap connection. Neither Hohne et

al. nor Burdock either alone or in combination discloses or suggests this feature.

Therefore, claim 14 is allowable.

New claim 15 recites a gas bag restraint device comprising a gas bag module having a gas bag and a covering cap. The covering cap tears open upon inflation of the gas bag. The covering cap covers a ring-shaped outlet opening for the gas bag. The covering cap has a central section. The central section is surrounded by the outlet opening when the gas bag module is in an opened state. The central section is delimited from adjoining sections of the covering cap by a ring-shaped, peripherally closed tear line. The sections are located radially outward in a lateral direction from the central section. The tear line adjoins an inner edge of the outlet opening. The central section is fastened to the plaque piece such that the central section is prevented from moving freely away from the plaque piece when the covering cap opens. None of the prior art discloses or suggests all of the features recited in claim 15. Therefore, claim 15 is allowable. Claims 16 and 17, which depend from claim 15, are allowable as depending from an allowable claim and also for the specific limitations recited therein.

In view of the foregoing, it is respectfully submitted that the amendment be entered and the application allowed.

Please charge any deficiency or credit any overpayment in the fees for this
amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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